

In the Court of Appeals of the State of Alaska

Kevin Patterson,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals Nos. **A-13076** and
A-13576

Order

Sealing Portions of Confidential Record

Date of Order: **4/21/2020**

Trial Court Case No. **3KN-10-00057CR**

Kevin Patterson has two open appeals with the Court. In the first appeal (A-13076), Patterson is appealing a 2017 order denying a motion to correct illegal sentence. Patterson is represented by Douglas Miller in this appeal. In the second appeal (A-13576), Patterson is appealing a 2019 order denying a different motion to correct illegal sentence. Patterson is representing himself in that appeal.

Both appeals derive from the same trial court case and have similar records on appeal (although the pagination of the records for the two appeals is different). The Clerk's Office certified and distributed the records in both appeals. The records were sent via email to the attorneys of record and via CD to Patterson. The records include the trial court files, confidential documents, transcripts, and exhibits.

It has come to the Court's attention that the confidential documents included xeroxed images of child sexual exploitation that should not have been distributed to the parties. The State has filed a motion to seal these images. The Court agrees that these images should be sealed and that all distributed copies should be destroyed. Upon reviewing the records, we also discovered that there were ex parte representation hearings that should have been sealed by the trial court.

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Accordingly, **IT IS ORDERED:**

1. The following portions of the confidential record are sealed: Log notes of ex parte representation hearings held on 11/5/2012, 3/17/2011, 9/19/2011, 10/19/2012, and 5/18/2012 (currently at R. 1072–1096 in A-13076; and at R. 1987–2011 in A-13576); and images depicting child sexual exploitation (currently at R. 1200–1610, 1642–81, and 1751–52 in A-13076; and at R. 2115–2525, 2557– 96, and 2666–67 in A-13576). The trial court is also directed to seal the audio in the above-listed representation hearings. Under Administrative Rule 37.5, “sealed” means access is restricted to the judge and persons authorized by written order. The parties may request access to sealed items by filing a motion.

2. The parties are directed to destroy all records that were distributed in A-13076 and A-13576.

4. The Appellate Clerk’s Office shall redistribute the records in these appeals. The redistributed records will not contain any of the sealed items listed in this order.

5. The briefing deadlines in A-13076 and A-13576 are stayed until 30 days after the distribution of the amended records.

Entered at the direction of Chief Judge Allard.

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Clerk of the Appellate Courts

/s/ M. Montgomery

Meredith Montgomery

cc: Appellate Court Records Office
Trial Court
Goose Creek Correctional Center
Department of Law (DOC)

Distribution:

Mail:
Patterson, Kevin S

Miller, Doug
Soderstrom, Donald